HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 11157 OF 2006

DATED: 12.6.2006

Between:

Valluri Venkata Swamy

… Petitioner

and

State of A.P., represented by District

Collector, East Godavari and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.11157 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition and at request the writ petition is disposed of at the stage of admission.

The petitioner claims to be a small farmer owning Ac.2.00 of land in Sy.Nos.21 and 22/2B of Mernipadu village, Mandapeta Mandal, East Godavari District. In 1975, states the petitioner, the Government acquired Ac.0.50 cents of his land for providing house-sites. The petitioner also states that there is Ac.3.00 land available in Sy.No.11 of the village in which the house-sites could be provided for landless poor persons. The petitioner also claims to be an activist of the Telugu Desam Party.

In the writ petition, he assails the draft notification dated 4.5.2006 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing acquisition of Ac.0.80 cents of land in Sy.No.22/2. The notification has also invoked the urgency clause under Section 17 of the Act and dispensing with the enquiry under Section 5-A of the Act. The acquisition is stated to be for provision of house-sites to the weaker sections.

The legitimacy for invoking the urgency clause is not apparent. Urgency has been invoked irrationally and arbitrarily. In the circumstances while invalidating the declaration issued under Section 6 of the Act dated 23.5.2006, the respondents are directed to cause enquiry under Section 5-A of the Act and receive the objections of the petitioner and decide upon those objections as to the need for acquisition of the land before proceeding further in the matter, duly communicating the decision to the petitioner simultaneously with the recommendations made after the enquiry under Section 5-A of the Act.

With the above directions and declaration, the writ petition is disposed of. The petitioner shall not be dispossessed pending communication of the decision consequent on the enquiry under Section 5-A of the Act. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 12.6.2006

Note: Copy as soon as possible.

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